

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re:** §  
§  
**FREE SPEECH SYSTEMS, LLC,** § **Case No. 22-60043**  
§  
**DEBTOR.** § **Chapter 11 (Subchapter V)**  
§

**DESIGNATION OF RECORD ON APPEAL AND  
STATEMENT OF ISSUES ON APPEAL**

---

W. Marc Schwartz and Schwartz Associates LLC (collectively “Schwartz” or “Appellant”), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, files this Designation of Record on Appeal and Statement of Issues on Appeal, as follows:

**DESIGNATION OF RECORD**

1. All pleadings, motions, exhibits, orders, transcripts, documents, and other matters on the docket sheet through and including January 20, 2023 [Dkt. Nos. 1-407] from Bankruptcy Case No. 22-60043 (the “Bankruptcy Case”).
2. All exhibits admitted at hearings and trials in the Bankruptcy Case through and including January 20, 2023.
3. The transcripts for the hearings in the Bankruptcy Case on (a) August 1, 2022; (b) August 3, 2022; (c) August 12, 2022; (d) August 24, 2022; (e) August 29, 2022; (f) September 13, 2022; (g) September 20, 2022; (h) December 19, 2022; and (i) January 20, 2023.

**STATEMENT OF ISSUES ON APPEAL**

1. Did the U.S. Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”) err in entering the Order Denying Motion for Rehearing on Debtor’s Application to Employ Schwartz (the “Order Denying the Schwartz Rule 59 Motion”)?

2. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Rule 59 Motion based on one or more clearly erroneous findings of fact?

3. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Rule 59 Motion based on one or more erroneous legal conclusions?

4. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Rule 59 Motion based on one or more erroneous applications of the law to the facts?

Dated: February 16, 2023

Respectfully submitted,

By: /s/Michael P. Ridulfo

Michael P. Ridulfo

State Bar No. 16902020

Federal Bar No. 27086

5151 San Felipe, Suite 800

Houston, Texas 77056

(713) 425-7400

(713) 425-7700 (fax)

E-mail: [mridulfo@krcl.com](mailto:mridulfo@krcl.com)

Attorney for W. Marc Schwartz and Schwartz Associates, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the parties listed below via the Court's CM/ECF system on all parties registered to receive such service in the above-captioned case and via U.S.P.S. first class mail on the following parties:

Ha Nguyen  
Office of the United States Trustee  
515 Rusk Street, Suite 3516  
Houston, TX 77002  
*Counsel to the U.S. Trustee*

Avi Moshenberg  
McDowell Hetherington LLP  
1001 Fannin Street, Suite 2700  
Houston, Texas 77002  
*Counsel to the Texas Plaintiffs*

Jarrod B. Martin  
Chamberlain, Hrdlicka, White, Williams, & Aughtry,  
PC  
1200 Smith Street, Suite 1400  
Houston, Texas 77002  
*Counsel to the Texas Plaintiffs*

Jennifer J. Hardy  
Willkie Farr & Gallagher LLP  
600 Travis Street  
Houston, Texas 77002  
*Counsel to the Texas Plaintiffs*

Ryan Chapple  
Cain & Skarnulis PLLC  
303 Colorado Street, Suite 2850  
Austin, Texas 78701  
*Counsel to the Connecticut Plaintiffs*

Christopher Hopkins  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
1285 Avenue of the Americas  
New York, NY 10019  
*Counsel to the Connecticut Plaintiffs*

Raymond W. Battaglia  
Law Office of Raymond W. Battaglia  
66 Granburg Circle  
San Antonio, Texas 78218  
*Counsel to the Debtor*

Elizabeth C. Freeman  
The Law Office of Liz Freeman  
PO Box 61209  
700 Smith Street  
Houston, TX 77208-1209  
*Counsel to the Subchapter V Trustee*

Vickie L. Driver  
Crowe & Dunlevy, P.C.  
2525 McKinnon St., Suite 425  
Dallas, TX 75201  
*Counsel to Alexander E. Jones*

Shelby A. Jordan  
Jordan & Ortiz, P.C.  
500 North Shoreline Blvd., Suite 900  
Corpus Christi, TX 78401  
*Counsel to Alexander E. Jones*

/s/ Michael P. Ridulfo

Michael P. Ridulfo